

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

David Lamont Brown,)	C/A No. 9:06-1569-JFA-GCK
)	
Plaintiff,)	
v.)	ORDER OF DISMISSAL
)	
Perry Correctional Officer Horn,)	
)	
Defendant.)	
_____)	

This matter is before the court for review of the Magistrate Judge’s Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

The *pro se* plaintiff is an inmate with the South Carolina Department of Corrections (“SCDC”). The plaintiff brings this action pursuant to 42 U.S.C. § 1983 apparently

complaining his personal photographs were confiscated by an SCDC officer when he was transferred to the Perry Correctional Institution.


In a detailed Report and Recommendation, the Magistrate Judge suggests that the plaintiff has not exhausted his administrative remedies and recommends that the complaint be dismissed without prejudice.

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on June 26, 2006. Although the plaintiff sent a letter to the court on July 20, 2006, requesting the status of his cases, he has not filed objections to the Report. In addition, the plaintiff has not fully complied with the Magistrate Judge's order of June 26, 2006 directing that the plaintiff bring this case into proper form.

After reviewing the applicable law, the record in this case, and the Report and Recommendation, the court agrees that the plaintiff has not exhausted his administrative remedies as required by 42 U.S.C. § 1997e(a), and thus he is precluded from bringing this § 1983 action. Accordingly, the Report and Recommendation is incorporated herein by reference, and this action is dismissed without prejudice.

IT IS SO ORDERED.

July 25, 2006
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge